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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,132	04/21/2004	Paul D. Starrett	0004515-00008	5474
22910	7590	07/27/2006	EXAMINER	
BANNER & WITCOFF, LTD. 28 STATE STREET 28th FLOOR BOSTON, MA 02109-9601			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/829,132

Applicant(s)

STARRETT, PAUL D.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restriction***

Applicant's election without traverse of Group I in the communication received December 5, 2005 is acknowledged.

Claims 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in the communication received December 5, 2005.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Arthur (US 1797539).

Bingold (figure 1, 1a, 2) teaches disposable handcuff structure comprising two tightly coiled toothed straps 14, 16 and a two slot, toothed socket clasp 21 at about the midpoint of the straps as shown in figure 1. The slots 51, 52 are to permit the straps 14, 16 to be coiled so that the handcuff is more easily carried (col. 9, lines 39-51) and are not used when the handcuff is secured to a prisoner. The difference is that there is no banding device to hold the coils in place. However, Arthur (figures 1 and 2) teaches the use of a rubber band 1 to hold the coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when

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stored. It would have been obvious to modify the structure of Bingold so as to further provide the added securement of an elastic band to hold the coils in place in view of Arthur teaching the use of a rubber band 1 to hold coiled material together so as to prevent it from unwinding when stored as being desirable to maintain the coiled material in the storage configuration.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Geisinger (US 5193254).

Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so as to be easier to store. The stored configuration is made by rolling the restraint 10 into a coil. The difference is that the restraint is not a single coiled toothed strap with a single slot comprising a handcuff. However, Geisinger (figures 1, 7, 9 and 13) teaches that it is well known to have a handcuff or leg restraint (col. 2, lines 52-56) comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner. Geisinger suggests that it is well known to utilize a restraint upon a prisoner that only restrains the hands as being desirable rather than one that immobilizes hands and feet so that the prisoner can still walk while having their hands restrained. It would have been obvious to modify the tightly coiled restraint 10 of Peden so that it is a handcuff that is coiled rather than a leg restraint joined to handcuffs in view of Geisinger teaching that it is well known to utilize handcuffs alone comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner while permitting the prisoner to walk.

Claims 1-8, 18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Arthur (US 1797539) and Geisinger (US 5193254).

Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so as to be easier to store and has more than three coiled loops. The stored configuration is made by rolling the restraint 10 into a coil. The difference is that it lacks a banding device to maintain the coil in place and the restraint is not a single coiled toothed strap with a single slot comprising a handcuff. However, Arthur (figures 1 and 2) teaches the use of a rubber band 1 to hold the coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when stored. Further, Geisinger (figures 1, 7, 9 and 13) teaches that it is well known to have a handcuff or angle restraint (col. 2, lines 52-56) comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner. Geisinger suggests that it is well known to utilize a restraint upon a prisoner that only restrains the hands as being desirable rather than one that immobilizes hands and feet so that the prisoner can still walk while having their hands restrained though the restraint can be used to restrain the feet if so desired. It would have been obvious to modify the tightly coiled restraint 10 of Peden so that it has a banding device to further aid in maintaining the stored configuration in view of Arthur teaching the use of a rubber band 1 to hold coiled material together so as to prevent it from unwinding when stored and to modify the prisoner restraint of Peden so that it is a handcuff that is coiled rather than a leg restraint joined to handcuffs in view of Geisinger teaching that it is well known to utilize handcuffs alone comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner while permitting the prisoner to walk. In regard to claims 5-8, Peden teaches the coiling of a prisoner restraint so as to have a more easily stored configuration. This teaching is

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applicable to the prisoner restraint of Geisinger so as to render it more easily storable, too. The placement of the socket clasp so as to be either on the inside or outside of the coil is inherent in coiling the restraint depending on which end the coil is begun and there is no advantage in beginning the coil from either end so that it would have been obvious to modify the coiled structure of Peden so as to coil the restraint of Geisinger from either end. Geisinger suggests the use of a very strong nylon product (col. 3, line 63 - col. 4, line 6) to be desirable, thereby rendering obvious the use of nylon or a particular type of nylon such as impact enhanced nylon 66, as these are well known strong materials thereby rendering obvious the choice of nylon found in claims 23 and 24.

Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Arthur (US 1797539) and Peden (US 5469813).

Bingold (figure 1, 1a, 2) teaches disposable handcuff structure comprising two tightly coiled toothed straps 14, 16 and a two slot, toothed socket clasp 21 at about the midpoint of the straps as shown in figure 1. The slots 51, 52 are to permit the straps 14, 16 to be coiled so that the handcuff is more easily carried (col. 9, lines 39-51) and are not used when the handcuff is secured to a prisoner. The difference is that there is no banding device to hold the coils in place and it lacks three tight concentric loops. However, Arthur (figures 1 and 2) teaches the use of a rubber band 1 to hold the coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when stored. Further, Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so as to be easier to store

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and has more than three coiled loops. The stored configuration is made by rolling the restraint 10 into a coil with more than three loops. Since it would be a benefit to prevent the coil of Bingold from unwrapping to make it more compact for storage, it would have been obvious to modify the structure of Bingold so as to further provide the added securement of an elastic band to hold the coils in place in view of Arthur teaching the use of a rubber band 1 to hold coiled material together so as to prevent it from unwinding when stored as being desirable to maintain the coiled material in the storage configuration and to further modify the device so that more loops are created by the strap would have been obvious in view of Peden suggesting that the use of a greater number of tightly coiled loops would have been obvious as an extension of the use of looping for storage by Bingold so as to have more loops. Bingold suggests the use of a very strong nylon product (col. 5, lines 17-24) to be desirable, thereby rendering obvious the use of nylon or a particular type of nylon such as impact enhanced nylon 66 (col. 5, line 21), as these are well known strong materials.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Peden (US 5469813).

Bingold (figure 1, 1a, 2) teaches disposable handcuff structure comprising two tightly coiled toothed straps 14, 16 and a two slot, toothed socket clasp 21 at about the midpoint of the straps as shown in figure 1. The slots 51, 52 are to permit the straps 14, 16 to be coiled so that the handcuff is more easily carried (col. 9, lines 39-51) and are not used when the handcuff is secured to a prisoner. The difference is that it lacks at least three concentric loops. Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so

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as to be easier to store and has more than three coiled loops. The stored configuration is made by rolling the restraint 10 into a coil with more than three loops. Since it would be a benefit to prevent the coil of Bingold from unwrapping to make it more compact for storage, it would have been obvious to modify the structure of Bingold so as to modify the device so that more loops are created by the strap in view of Peden suggesting that the use of a greater number of tightly coiled loops provides easy storage as an extension of the use of looping for storage taught by Bingold.

### ***Response to Arguments***

Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the capability applicant seeks is one of looping and binding for storage purposes. The applied references used as restraints have a coiling feature so as to be more readily stored. Viewing the totality of the teachings of these references it would have been obvious to combine their teachings since they are suggesting that various storage capabilities by coiling of restraints. Rubber bands are well known to prevent uncoiling of stored material and Arthur suggests such a well known use of a rubber band.

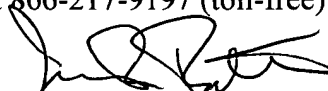


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James R. Brittain  
Primary Examiner  
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JRB